

Remarks/Arguments

In the non-final Office Action dated December 29, 2008, it is noted that claims 1-19 are pending; that claims 1-19 are objected for informalities, that claims 1, 2, 4, and 15 stand rejected under 35 U.S.C. §102; that claim 3 stands rejected under 35 U.S.C. §103, that claims 5-14 have been identified to contain an allowable subject matter; that the drawings submitted on June 03, 2008 have been accepted; that the claim for foreign priority under 35 U.S.C. §119 has been acknowledged; and that all the certified copies of the priority documents have been received. The status of claims 16-19 whether they contain an allowable subject matter or stand rejected is not indicated in the Office Action.

By this amendment, claims 3-6, 8, and 10-19 have been amended; and claims 1, 2, 7 and 9 have now been cancelled.

New claim 20 has been added to replace claim 1. The amendments to the claims are proper and justified and are supported by the specification and claims, as originally filed. No new matter has been added.

Cited Art

The references cited and applied against the claims are listed as follows: U.S. Patent 5,590,396 to Henry (hereinafter referenced as “*Henry*”); and U.S. Patent Application Publication No. 2008/0232286 (hereinafter referenced as “*Simpson*”).

Objection to Claims 1-19

Claims 1-19 have been objected to because they include numbers in parenthesis. The claims 3-6, 8, and 10-19 have been amended to remove the reference designators. Withdrawal of this objection is respectfully requested.

Rejection of Claims 1, 4 and 15 under 35 U.S.C. §102(b)

Claims 1, 4 and 15 stand rejected under 35 U.S.C. §102 as being anticipated by Henry. This rejection is respectfully traversed.

Claim 20, as amended, recites in part: “transmitting a beacon Hibernation Information Element announcing a sleep period start time and a sleep period duration.” Henry lacks any teaching of the claimed information element for announcing the sleep

period start time and duration. The Office Action cited that Henry “transmitting information indicating that is entering a deep-sleep state.” A review of Henry finds that entering the Deep-Sleep state is in response to a Power-Down registration message which was transmitted by the mobile station to a base station via a random access channel (**RACH**). *See Henry at col. 8, lines 11-15 and Fig. 7 block 707*. As admitted by Henry and it is further known in the pertained field of the art, the RACH is a channel used by mobile stations in TDMA-based networks when the mobile station needs to get the attention of a base station in order to initially synchronize its transmission with the base station. Thus, the RACH cannot be viewed as a beacon hibernation information element, as the hibernation information element carries the start sleep period time and sleep period duration.

Furthermore, Henry states that the Power-Down registration message is sent by a mobile station to a base station indicating that the former station enters a Deep-Sleep state. During this state the mobile station is unable to receive messages from the base station. *See Henry abstract*. In direct contract, the claimed hibernation information element includes a sleep period start time (which may be a future time) and a sleep period duration. In addition, during the hibernation mode cited in claim 20 a device does not transmit beacons. Henry fails to mention or suggest this function by a mobile station during the Deep-Sleep mode. Thus, Henry fails to teach the features of claim 20.

Specifically, Henry lacks any suggestion of using a “Hibernation Information Element” to announce a “sleep period start time and a sleep period duration” as defined in the new claim 20. Furthermore, Henry during the “Deep-Sleep state” disables the receiver of a mobile station from receiving messages from a base station and lacks appreciation of any need for disabling transmissions of beacons by the mobile stations during the Deep-Sleep. Thus, Henry fails to teach the features of claim 20. Withdrawal of this rejection is respectfully requested.

Claim 4 is dependent upon the base claim 20 and are allowable at least by virtue of its dependency from an allowable base claim and because each claim recites further distinguishing features. Therefore, withdrawal of these rejections is respectfully requested.

Claim 15 includes substantially similar features as discussed above with respect to claim 20. Therefore, the remarks above, while presented in terms of claim 20, should

be understood to pertain equally to claim 15. Withdrawal of this rejection is respectfully requested.

Rejection of Claim 3 under 35 U.S.C. §103

Claim 3 stands rejected under 35 U.S.C. §103 as being unpatentable over Henry in view of Simpson. Simpson has been added to the Henry because it is said that the latter reference lacks any teaching that the hibernating device returning to a hibernation mode if other devices have indicated no pending traffic for the hibernating device in their beacons. *See the Office Action at page 5 first paragraph.* It should be noted that Simpson fails to teach, show, or suggest any of the features discussed above for the base claim 1. Simpson fails to cure the infirmities already present in Henry. Even if Simpson were to teach all the limitations noted on page 5 of the Office Action and even if it were assumed to be proper to combine Simpson with Henry, an assumption with which applicant neither acquiesces nor agrees, the resulting combination would still fail to teach, show, or suggest “announcing a sleep period start time and a sleep period duration in a beacon Hibernation Information Element,” as more specifically defined in base claim 20.

In view of the remarks above for claim 20 and in view of the remarks concerning claim 3, it is submitted that this claim would not have been obvious to a person skilled in the art upon a reading of Henry and Simpson either separately or in combination. Hence, it is believed that claim 3 is allowable under 35 U.S.C. §103. Withdrawal of this rejection is respectfully requested.

Conclusion

In view of the foregoing, it is respectfully submitted that all the claims pending in this patent application are in condition for allowance. Reconsideration and allowance of all the claims are respectfully solicited.

In the event there are any errors with respect to the fees for this response or any other papers related to this response, the Director is hereby given permission to charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account No. 14-1270.

Respectfully submitted,

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